

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

NETLIST, INC.,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO, LTD;
SAMSUNG ELECTRONICS AMERICA,
INC.; SAMSUNG SEMICONDUCTOR INC.,

Defendants.

Civil Action No. 2:22-cv-00293-JRG
(LEAD CASE)

JURY TRIAL DEMANDED

NETLIST, INC.,

Plaintiff,

v.

MICRON TECHNOLOGY, INC., MICRON
SEMICONDUCTOR PRODUCTS, INC., AND
MICRON TECHNOLOGY TEXAS LLC,

Defendants.

Civil Action No. 2:22-cv-00294-JRG

JURY TRIAL DEMANDED

**DECLARATION OF MICHAEL R. RUECKHEIM IN SUPPORT OF DEFENDANTS'
DAUBERT MOTION AND MOTION TO STRIKE EXPERT TESTIMONY OF MR.
DAVID KENNEDY**

I, Michael R. Rueckheim, declare as follows:

1. I am an attorney at the law firm of Winston & Strawn, LLP, counsel of record for Defendants' Micron Technology, Inc., Micron Semiconductor Products, Inc. and Micron Technology Texas LLC (Collectively "Micron") in the above-captioned action. I am a member in good standing of the State Bar of Texas. I provide this declaration in support of Micron's *Daubert* Motion and Motion to Strike Expert Testimony of Mr. David Kennedy. I have personal knowledge of the facts stated herein, and could and would testify completely thereto if called as a witness in this matter.

2. Attached as Exhibit 1 is a true and accurate copy of what was served for the current case *Netlist, Inc., v. Micron Technologies, Inc. et. al.*, No. 2:22-cv-294-JRG (E.D. Tex.), Expert Report of Mr. David Kennedy dated November 20, 2023.

3. Attached as Exhibit 2 is a true and accurate excerpted copy of what was served for the current case *Netlist, Inc., v. Micron Technologies, Inc. et. al.*, No. 2:22-cv-294-JRG (E.D. Tex.), Opening Expert Report of Dr. William Henry Mangione-Smith dated November 20, 2023.

4. Attached as Exhibit 3 is a true and accurate excerpted copy of what was served for the case *Netlist, Inc., v. Micron Technologies, Inc. et. al.*, No. 2:22-cv-203-JRG (E.D. Tex.), Opening Expert Report of Dr. William Henry Mangione-Smith dated October 4, 2023.

5. Attached as Exhibit 4 is an excerpt true and accurate excerpted copy of what was served for the case *Netlist, Inc., v. Micron Technologies, Inc. et. al.*, No. 2:22-cv-203-JRG (E.D. Tex.), Expert Report of Mr. David Kennedy dated October 4, 2023.

6. Attached as Exhibit 5 is a true and accurate copy of what was served for the current case *Netlist, Inc., v. Micron Technologies, Inc. et. al.*, No. 2:22-cv-294-JRG (E.D. Tex.), Rebuttal Expert Report of Mr. David Kennedy dated December 21, 2023.

7. Attached as Exhibit 6 is a true and correct copy of the *Samsung Electronics. Co., Ltd. Et. al. v. Netlist, Inc.*, No. 2:21-CV-00463-JRG (E.D. Tex.), Order on Pretrial Motions and Motions *In Limine* dated April 5, 2023.

8. Attached as Exhibit 7 is a true and accurate excerpted copy of what was served for the current case *Netlist, Inc., v. Micron Technologies, Inc. et. al.*, No. 2:22-cv-294-JRG (E.D. Tex.), Expert Report of Matthew R. Lynde, Ph.D. dated November 20, 2023.

I declare under penalty of perjury under laws of the United States of America that the foregoing is true and correct.

Executed on January 16, 2024.

/s/Michael R. Rueckheim

Michael R. Rueckheim